

ORDINANCE NO. 105, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS AND AUTHORIZING TRANSFERS OF
APPROPRIATIONS FOR THE VINE AND TIMBERLINE RAIL GRADE SEPARATION
PROJECT AND RELATED ART IN PUBLIC PLACES

A. The purpose of this item is to appropriate a supplemental amount for the Vine and Timberline Rail Grade Separation project (the "Project"). The funding will be used to acquire an all-purpose easement on the southeast corner of the Timberline Road and Vine Drive intersection. The Project will elevate Timberline Road over Vine Drive and the adjacent BNSF rail yard, eliminating the existing at-grade crossing. The easement acquisition is needed to provide space for the overpass embankment.

B. The existing intersection of Timberline Road and Vine Drive experiences congestion with safety and delay concerns due to the existing four-way stop control along with an at-grade rail crossing near the intersection. A current intersection improvements project is improving the intersection with a traffic signal interconnected to a new rail crossing signal. That project is fully funded, and construction is currently underway.

C. As northeast Fort Collins continues to develop, increasing traffic volumes at the intersection will result in the need for an overpass over the railroad tracks. This grade separation over the railroad has been part of the City's Master Street Plan for several years. The Transportation Capital Projects Prioritization Study ("TCPPS") includes the Project as one of the top fifteen projects in the study and includes development of a conceptual design.

D. The Project has been before City Council on three previous occasions resulting in appropriations to the Project: Ordinance No. 122, 2023, (budget cleanup appropriating a development contribution), Ordinance No. 115, 2024, (development contribution), and Resolution 2025-064 and Ordinance No. 105, 2025, (Federal Railroad Administration ("FRA") Railroad Crossing Elimination program grant and match appropriation).

E. A private development in the southeast quadrant of the Vine Drive and Timberline Road intersection was required to set aside the area envisioned for the Project. The homeowner's association is now in possession of the common areas of the development and expressed the desire to transfer the property rights to the City for the Project. The City's Real Estate Services group and representatives of the homeowner's association determined that securing an all-purpose easement for the Project would be more direct and less costly than securing the property as right-of-way. The FRA confirmed that an easement would suffice under its regulations for the purpose of the Project.

F. The supplemental appropriation, in conjunction with funds already appropriated to the Project, will allow the easement acquisition to move forward, securing property rights for a crucial portion of the Project.

G. Article V, Section 9 of the City Charter permits City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year from such revenues and funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

H. The City Manager has recommended the appropriations described in Sections 1 and 2 below and determined that the appropriations described in those sections are available and previously unappropriated from the Transportation Capital Expansion Fee fund and the Transportation Services fund, as applicable, and that these appropriations will not cause the total amount appropriated in the Transportation Capital Expansion Fee fund or the Transportation Services fund, as applicable, to exceed the current estimate of actual and anticipated revenues and all other funds to be received in these funds during this fiscal year.

I. Article V, Section 10 of the City Charter authorizes City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds are to be expended remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

J. The City Manager has recommended the transfer of \$113,098 from the Transportation Capital Expansion Fee fund to the Capital Projects fund and \$22 from the Transportation Services fund to the Capital Projects fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

K. This Project involves construction estimated to cost more than \$250,000 and, as such, City Code Section 23-304 requires one percent of these appropriations to be transferred to the Arts and Culture fund for a contribution to the Art in Public Places ("APP") program.

L. The additional project cost of \$112,000 has been used to calculate the contribution to the APP program.

M. The amount to be contributed in this Ordinance to the APP program is \$1,120.

N. Article V, Section 11 of the City Charter authorizes City Council to designate in the ordinance when appropriating funds for a capital project, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the completion of the capital project.

O. City Council wishes to designate the appropriations herein for the Project as appropriations that shall not lapse until the completion of the Project.

P. The appropriations in this Ordinance benefit public health, safety and welfare of the residents and the traveling public of Fort Collins and serve the public purposes of improving multimodal transportation, infrastructure, and safety within the City.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from prior year reserves in the Transportation Capital Expansion Fee fund the sum of ONE HUNDRED THIRTEEN THOUSAND NINETY-EIGHT DOLLARS (\$113,098) to be expended in the Transportation Capital Expansion Fee fund for transfer to the Capital Projects fund to be expended therein for the Vine and Timberline Rail Grade Separation Project.

Section 2. There is hereby appropriated from prior year reserves in the Transportation Services Fund the sum of TWENTY-TWO DOLLARS (\$22) to be expended in the Transportation Services fund for transfer to the Capital Projects fund to be expended therein for the Vine and Timberline Rail Grade Separation Project.

Section 3. The unexpended and unencumbered appropriated amount of EIGHT HUNDRED SEVENTY-FOUR DOLLARS (\$874) in the Capital Projects Fund is hereby authorized for transfer to the Arts and Culture Fund and appropriated and expended therein to fund art projects under the APP Program.

Section 4. The unexpended and unencumbered appropriated amount of TWO HUNDRED TWENTY-FOUR DOLLARS (\$224) in the Capital Projects fund is hereby authorized for transfer to the Arts and Culture fund and appropriated and expended therein for the operation costs of the APP program.

Section 5. The unexpended and unencumbered appropriated amount of TWENTY-TWO DOLLARS (\$22) in the Capital Projects fund is hereby authorized for transfer to the Arts and Culture fund and appropriated and expended therein for the maintenance costs of the APP program.

Section 6. The appropriations herein for the Vine and Timberline Rail Grade Separation Project are hereby designated, as authorized in Article V, Section 11 of the City Charter, as appropriations that shall not lapse at the end of this fiscal year but continue until the completion of the Project.

Introduced, considered favorably on first reading on August 18, 2026, and approved on second reading for final passage on September 1, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 11, 2026
Approving Attorney: Heather N. Jarvis

Exhibit: None